

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 AID-05 CEA-01 CIAE-00
COME-00 EA-10 FRB-03 INR-10 IO-13 NEA-10 NSAE-00
ICA-11 OPIC-03 SP-02 TRSE-00 LAB-04 SIL-01
AGRE-00 OMB-01 SS-15 DODE-00 DOTE-00 FMC-01 CG-00
DLOS-09 OES-09 L-03 FTC-01 JUSE-00 NSC-05 /138 W
-----122030 201845Z /45

R 201728Z JUL 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 5076
INFO AMEMBASSY LONDON

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E. O. 11652:N/A
TAGS: EWWT, FR
SUBJECT: MARITIME AFFAIRS: CONSULTATIVE PROCEDURE

REF: PARIS 20497, STATE 177687

1. SUMMARY: DEROHAN CONTINUES TO BE CAUTIOUS ABOUT THE PROPOSED BILATERAL CONSULTATIONS AND HAS SUGGESTED WE SEND A DIPLOMATIC NOTE TO THE QUAI D'ORSAY . UPON FRENCH INITIATIVE THE CSG HAS ENDORSED THE US PROPOSAL TO THE OECD BUSINESS PRACTICES GROUP AS IT RELATES TO SHIPPING. THE FRENCH AGREE WITHOUR CONCEPT OF THE SEPTEMBER MEETING AND EXPECT THAT THE EUROPEANS WILL USE THE OCCASION FOR PRELIMINARY EXPLORATION OF POSSIBLE SPECIFIC CHANGES IN NATIONAL LAWS ON A RECIP-ROCAL BASIS. END SUMMARY.

2. DE ROHAN AT JULY 19 MEETING WITH EMBASSY TRANSPORTA-TION AND COMMUNICATIONS OFFICER REMAINED CAUTIOUS RE THE US SUGGESTION FOR CONSULTATIONS. AFTER WE HAD REVIEWED WITH HIM THE POINTS MADE IN PARAS 2-4 OF REFTTEL,
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HE SAID THIS MATERIAL WAS NOT SPECIFIC ENOUGH AND ALSO PROFESSED IGNORANCE OF UNHAPPINESS EXPRESSED BY GOF REPRESENTATIVES ABOUT US UNWILLINGNESS TO CONSULT ON THE GRAND JURY INVESTIGATION. FINALLY, HE SUGGESTED THAT THE EMBASSY SEND A DIPLOMATIC NOTE TO THE QUAI D'ORSAY EXTENDING A FORMAL INVITATION TO CONSULT. THE NOTE, HE ADDED, SHOULD SPECIFY THE LEVEL AT WHICH CONSULTA-

TIONS WOULD BE HELD, THE TOPICS WHICH THE UNITED STATES IS PREPARED TO DISCUSS, AND THOSE WHICH CAN NOT BE DISCUSSED. WE AGREED TO FORWARD THIS SUGGESTION TO WASHINGTON.

3. WE HAD SUPPLIED DE ROHAN ON JUNE 30 WITH A COPY OF THE US DRAFT PROPOSAL MADE EARLIER THAT MONTH IN THE OECD (DOCUMENT DAF/RBP/WP3/90. HE CHARACTERIZED THIS PROPOSAL, AND PARTICULARLY OPERATIVE PARAGRAPH FOUR, AS VERY POSITIVE AND SAID IT SHOULD SERVE AS A GENERAL BASIS OF DISCUSSION BETWEEN THE COTTON CLUB AND THE USG. DEROHAN ALSO ADVISED US THAT THE CSG IN LONDON ON JULY 11, RESPONDING TO A FRENCH INITIATIVE, HAD ENDORSED THE US PROPOSAL.

4. REGARDING THE LONDON SEPTEMBER US-CSG MEETING, DEROHAN EXPRESSED AGREEMENT WITH THE VIEWS IN PARA 6 REFTEL. HE HAD RECEIVED THE US PROPOSED QUESTIONS (STATE 171833) FROM THE CSG SECRETARIAT AND WAS AGREEABLE TO THEIR BEING A BASIS FOR DISCUSSION, ALTHOUGH THE GOF HAD PROBLEMS WITH THE US CONCEPT OF MALPRACTICES WHICH HE FELT FOCUSED UNDULY ON US ANTI TRUST LAW THAT "WAS NOT THE BIBLE FOR REST OF THE WORLD". HOWEVER, HE INDICATED THAT THE FRENCH AND OTHERS MIGHT AIR THE IDEA OF AMENDING THEIR NATIONAL LEGISLATION ON CERTAIN POINTS IF THE US WOULD DO THE SAME. FOR EXAMPLE, THE EURO-LIMITED OFFICIAL USE

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PEANS MIGHT MAKE HIDDEN REBATES ILLEGAL IF THE US WOULD LEGALIZE DEFERRED REBATES. LIKewise, IF THE US WOULD AGREE NOT TO PROSECUTE ACTIONS OF SHIPPERS' COUNCILS IN EUROPE, THE EUROPEAN GOVERNMENTS COULD AGREE TO REGULATE SUCH COUNCILS AND THEIR NEGOTIATIONS WITH SHIPPING CONFERENCES. DEROHAN STRESSED THAT THESE IDEAS WOULD ONLY COME UP IN A PRELIMINARY MANNER AT THE SEPTEMBER MEETING, BUT THEY COULD BE PURSUED AT THE PROPOSED NOVEMBER SENIOR LEVEL SESSION IF THE USG IS INTERESTED IN DOING SO.

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5. RE THE US-UK MINUTE ON DATA SHARING, WE READ DE-ROHAN THE MATERIAL IN PARA 7 (REFTEL) MINUS THE FYI PORTION. HE FOUND IT A BIT VAGUE, BUT APPEARED TO SHOW SOME GUARDED INTEREST IN THE CONCEPT. WE ACCORDINGLY SUGGESTED A POSSIBLE US-FRENCH CONSULTATIVE UNDERSTANDING MIGHT PERHAPS BE FURTHER DISCUSSED ON THE SAME OCCASION AS THE PROPOSED MEETING ON THE GRAND JURY INVESTIGATION IF THAT WERE SCHEDULED.

6. COMMENT: WE DO NOT KNOW IF DE ROHAN WAS PLAYING GAMES WITH US BU PROFESSING IGNORANCE OF PREVIOUS FRENCH EXPRESSIONS OF UNHAPPINESS. WASHINGTON CAN JUDGE THAT BETTER IN THE LIGHT OF ITS DISCUSSIONS WITH THE FRENCH ON THE GRAND JURY QUESTION. HOWEVER, BOTH DE-ROHAN AND LACOMBRE (SHIPPING OFFICER AT THE QUAI D'ORSAY) HAVE IN THE PAST EXPRESSED THEIR INDIGNATION TO US THAT THERE SHOULD BE SUCH AN INVESTIGATION UNDERWAY AND HAVE STATED THAT THE HEADS OF FRENCH SHIPPING

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COMPANIES ARE AFRAID TO VISIT THE UNITED STATES LEST THEY BECOME SUBJECT TO ARREST. IN ANY EVENT, THE EMBASSY BELIEVES THAT IF WASHINGTON WISHES TO CONTINUE TO PURSUE THE IDEA OF CONSULTATIONS THE PROPOSAL SHOULD BE MADE IN A NOTE TO THE QUAI D'ORSAY AS DEROHAN HAS SUGGESTED. THE FRENCH DO PUT A HIGH VALUE ON THE FORMALITIES OF DIPLOMATIC COMMUNICATION AND FROM OUR VIEWPOINT IT WOULD PROBABLY BE GOOD TO LAY OUT CLEARLY THE SCOPE AND LEVEL OF THE DISCUSSIONS EVEN IF WE DO NOT

WISH TO PROPOSE AN AGENDA AS SUCH.
HARTMAN

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